

REMARKS

Claims 1-55 are currently pending in this reissue application. Claims 1-23 are allowed. Claims 24-55 are rejected under 35 U.S.C. § 251.

The Examiner rejected Assignee's statement of consent under 37 C.F.R. § 3.73(b) as being defective for failing to state that assignee owns the entire right, title and interest in the reissue application.

Reply to the § 3.73(b) Rejection

In response to the Examiner's rejection of Assignee's statement of consent, applicants submits a new statement of consent under 37 C.F.R. § 3.73(b) in which Assignee states that it owns the entire right, title and interest in the reissue application. Accordingly, applicants respectfully submit that the Examiner's rejection under 3.73(b) be withdrawn.

Reply to the § 251 Rejection

The Examiner rejected claims 24 and 40 under 35 U.S.C. § 251 as being an improper recapture of subject matter that applicants previously surrendered during the prosecution of the application. In particular, the rejection relies on the following limitation added to the claims of the parent application as the basis for a recapture: "wherein said video display generator means displays said n characters and said selection means comprises means for causing each of said n

characters to cycle forward and backward through a plurality of alphanumeric characters and means for assigning one of said alphanumeric characters to each of said n characters." This limitation describes the specific means by which a plurality of characters in a title are input by the user (Office Action, p. 3).


The Examiner notes that there "doesn't appear to be a broader version of this argued limitation on the reissue application claims 24 and 40 in order to avoid recapture under Ex parte Eggert, see MPEP 1412.02" (Office Action, p. 4). In response, applicants have amended claims 24 and 40 to more particularly define the claimed invention and include a broader version of this argued limitation, as permitted under Ex parte Eggert and MPEP 1412.02.

As amended, applicants' independent claims 24 and 40 include a broader limitation that describes the specific means used by which the selection means operates to select the n characters used to search for a title. In particular, applicants' claims 24 and 40 were amended to recite that "each of the n characters [may be selected with the wireless remote control] from a plurality of displayed alphanumeric characters by changing from a first character to a second character using the nonalphanumeric keys" (claims 24 and 40, emphasis added).

Conclusion

In light of the foregoing, applicants respectfully submit that this application is in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,



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